

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3665 of 1991

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

RADHABEN SUKHRAMBHAI JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioner

MR RJ OZA for Respondent No. 1, 2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 17/11/2000

ORAL JUDGEMENT

The petitioner has been serving since the year 1982 on the post of part-time sweeper in the officer under the Land Development Commissioner, North Gujarat and Kachchh Division. As this part-time services have been discontinued, he has approached this Court by way of this petition and has prayed that in accordance with the existing circulars of the Government, he should be considered for regular appointment as Class-IV employee under the Narmada Nigam where other employees working in the same office have been absorbed on closure of the office in which he was working.

2. By admitting the petition in 1991, this Court

passed an order on 29.5.1991 directing the respondents to maintain status quo with regard to the conditions of service of the petitioner. On behalf of the State of Gujarat and other respondents no reply has been filed to oppose the petition. The request made by the Learned Asst. Government Pleader today for grant of time to file reply cannot be allowed. It is not in dispute that the petitioner was employed by a formal order dated 10.7.82 to work as part-time sweeper in the office of the Land Development Commissioner. As has been stated in the petition, the Department and the office in which the petitioner was working have been closed. Other regular employees of the said department/office have been absorbed in the services of Narmada Nigam. The present petitioner being only a part-time employee has not been given the benefit of absorption in the institution like Narmada Nigam. Learned Counsel Shri P.H.Pathak appearing for the petitioner relies on the circular of the Government dated 26.12.1980, a copy of which has been annexed to the petition as Annexure E. The circular contains the policy decision of the State Government that part time employees may be considered for regular appointment, if there are vacancies in the department. Since the petitioner is continuously working from the year 1982 and by virtue of the interim order of this Court, her services are said to be continuing her claim for regular appointment be considered by the respondents within a period of 2 months from the date of receipt of the written representation of the petitioner for the purpose. With these directions, the petition is partly allowed. There shall be no orders as to costs. Rule made absolute.

(D.M.Dharmadhikari, CJ)

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